

Foster Care vs. Family Preservation: The Track Record on Safety and Well-being

At the heart of the criticism of family preservation is one overriding assumption: If you remove a child from the home, the child will be safe. If you leave a child at home the child is at risk. In fact, there is risk in either direction, but **real family preservation programs have a better record for safety than foster care.**

And even when families don't get special help, two huge studies have found that children left in their own homes typically do better than comparably-maltreated children placed in foster care.

To understand why, one must first understand one fundamental fact about foster care: It's not safe. Here's how we know:

- A study of reported abuse in Baltimore, found the rate of "substantiated" cases of sexual abuse in foster care more than four times higher than the rate in the general population.¹

- Using the same methodology, an Indiana study found three times more physical abuse and twice the rate of sexual abuse in foster homes than in the general population. **In group homes there was more than ten times the rate of physical abuse and more than 28 times the rate of sexual abuse as in the general population,** in part because so many children in the homes abused each other.²

Those studies deal only with reported maltreatment. The actual amount of abuse in foster care is likely to be far higher, since agencies have a special incentive not to investigate such reports, since they are, in effect, investigating themselves.

- A study of foster children in Oregon and Washington State found that nearly one third reported being abused by a foster parent or another adult in a foster home.³

- In a study of investigations of alleged abuse in New Jersey foster homes, the researchers found a lack of "anything approaching reasonable professional judgment" and concluded that "no assurances can be given" that any New Jersey foster child is safe.⁴

- A lawyer who represents children in Broward County, Florida, says in a sworn affidavit that over a period of just 18 months he was made personally aware of 50 instances of child-on-child sexual abuse involving more than 100 Broward County foster children.⁵

- Another Baltimore study, this one examining case records, found abuse in 28 percent of the foster homes studied - more than one in four.⁶

- A study of cases in Fulton and DeKalb Counties in Georgia found that among children whose case goal was adoption, 34 percent had

experienced abuse, neglect, or other harmful conditions. For those children who had recently entered the system, 15 percent had experienced abuse, neglect or other harmful conditions in just one year.⁷

- Even what is said to be a model foster care program, where caseloads are kept low and workers and foster parents get special training, is not immune. **When alumni of the Casey Family Program were interviewed, 24 percent of the girls said they were victims of actual or attempted sexual abuse in foster care.** This study asked only about abuse in the one foster home the children had been in the longest, so some would not even be counted.⁸ Officials at the program say they have since lowered the rate of all forms of abuse to "only" 12 percent, but this is based on an in-house survey of the program's own caseworkers, not outside interviews with the children themselves.⁹

So is it any wonder that even Marcia Lowry, executive director of the group that calls itself "Children's Rights" - and no friend of family preservation says:

*"I've been doing this work for a long time and represented thousands and thousands of foster children, both in class-action lawsuits and individually, and I have almost never seen a child, boy or girl, who has been in foster care for any length of time who has not been sexually abused in some way, whether it is child-on-child or not."*¹⁰

This does not mean that all, or even many, foster parents are abusive. The overwhelming majority do the best they can for the children in their care -- like the overwhelming majority of parents, period. But the abusive minority is large enough to cause serious concern. And abuse in foster care does not always mean abuse by foster parents. As happened so often during the Illinois Foster Care Panic for example (see [Issue Paper 2](#)), and as the Indiana study and the Broward County data indicate, it can be caused by foster children abusing each other.

Compare the record of foster care to the record of family preservation. The original Homebuilders program (see [Issue Paper 10](#)) has served more than 12,000 families since 1982. No child has ever died during a Homebuilders intervention and only one child has ever died afterwards, nearly three decades ago.¹¹

Michigan has the nation's largest family preservation program. The program rigorously follows the Homebuilders model. Since 1988, the Michigan family preservation program has served 100,000 children. During the first two

(over)

The Track Record on Safety (continued)

years, two children died during the intervention. In the quarter century since, there has not been a single fatality.¹² **In contrast, when Illinois effectively abandoned family preservation, there were five child abuse deaths in foster care in just one year. That's one reason the state subsequently reversed course.**

Several states and localities that have bucked the national trend and embraced safe, proven programs to keep families together, also have improved child safety.

One state that is leading the nation in reforming child welfare is the last state many people might expect: Alabama. But Alabama implemented a consent decree (*R.C. v. Hornsby*) resulting from a federal lawsuit requiring it to reframe its whole approach to child welfare by following family preservation principles. Alabama now removes children at one of the lowest rates in the nation.¹³ Re-abuse of children left in their own homes has been cut by 60 percent – to less than half the national average.¹⁴

An independent, court-appointed monitor concluded that children in Alabama are safer now than before the system switched to a family preservation model. The monitor wrote that "the data strongly support the conclusion that children and families are safer in counties that have implemented the R.C. reforms."¹⁵

Illinois also has improved child safety, even as it has dramatically reduced its foster care population (See [Issue Paper 2](#)).

Well-being

Confronted with the fact that, for most children, family preservation is, in fact, the safer option, child savers sometimes seek to change the subject to children's overall well-being. Maybe children are safe, but they couldn't really be doing better in life when left with birth parents, could they? They could, and they do.

The largest studies ever to try to measure well-being compared outcomes for more than 15,000 children who came to the attention of child protective services from 1990

through mid-2003. The studies looked at teen pregnancy, juvenile arrests, young adult crime and youth unemployment.

On every measure, children left with their own homes did better than comparably-maltreated children placed in foster care.

And that was true even though birth families generally got only the conventional "help" offered by child welfare agencies, not the exemplary interventions supported by NCCPR.¹⁶

When University of Minnesota researchers compared children left in their own homes with comparably-maltreated children placed in foster care, they too found that the children left in their own homes did better, even when the birth families got little or no help at all.¹⁷

Why it works:

There are three primary reasons for the better safety record of communities that embrace safe, proven programs to keep families together.

- Most of the parents caught in the net of child protective services are not who most people think they are (see [Issue Paper 5](#)).

- When child welfare systems take family preservation seriously, foster care populations stabilize or decline. Workers have more time to find the children who really do need to be placed in foster care. (See [Issue Paper 8](#)).

- Family preservation workers see families in many different settings for many hours at a time. Because of that, and because they are usually better trained than child protective workers, they are far more likely than conventional child protective workers to know when a family can't be preserved -- and contrary to stereotype, they do place child safety first. (See [Issue Paper 8](#)).

As for the better well-being for children left in their own homes, that is no testament to typical services for families. Rather it is evidence of just how toxic an intervention it really is to tear a child from everyone she or he knows and loves. Anything that toxic should be used sparingly and in very small doses.

Updated November 9, 2015

1. Mary I. Benedict and Susan Zuravin, *Factors Associated With Child Maltreatment by Family Foster Care Providers* (Baltimore: Johns Hopkins University School of Hygiene and Public Health, June 30, 1992) charts, pp.28,30. //2. J William Spencer and Dean D. Kundsden, "[Out of Home Maltreatment: An Analysis of Risk in Various Settings for Children](#)," *Children And Youth Services Review* Vol. 14, pp. 485-492, 1992. //3. Peter Pecora, et. al., [Improving Family Foster Care: Findings from the Northwest Foster Care Alumni Study](#) (Seattle: Casey Family Programs, 2005). //4. Leslie Kaufman and Richard Lezin Jones, "[Report finds flaws in inquiries on foster abuse in New Jersey](#)," *The New York Times*, May 23, 2003. //5. Affidavit of David S. Bazerman, Esq, *Ward v. Feaver*, Case# 98-7137, United States District Court, Southern District of Florida, Fort Lauderdale Division, Dec. 16, 1998, p.4. //6. Memorandum and Order of Judge Joseph G. Howard, *L.J. v. Massinga*, United States District Court for the District of Maryland, July 27, 1987. //7. Children's Rights, Inc., "Expert research report finds children still unsafe in Fulton and Dekalb foster care," Press release, Nov. 5, 2004. //8. David Fanshel, et. al., [Foster Children in a Life Course Perspective](#) (New York: Columbia University Press, 1990), p.90. //9. *How Are The Children Doing? Assessing Youth Outcomes in Family Foster Care*. (Seattle: Casey Family Program, 1998). //10. Dana DiFilipoo "[Avalanche of Anguish](#)" *Philadelphia Daily News*, Jan. 21, 2010. //11. Personal communication from Charlotte Booth, Executive Director, Homebuilders. Even in the one case in which a child died after the intervention, in 1987, Homebuilders had warned that the child was in danger and been ignored. //12. Personal Communication, Susan Kelly, former director of family preservation services, Michigan Family Independence Agency. //13. In 2013, the most recent year for which data are available, Alabama removed 10.9 children for every thousand impoverished children. The national average was 17.1. //14. Erik Eckholm, "[Once Woeful, Alabama Is Model in Child Welfare](#)," *The New York Times*, August 20, 2005. //15. Ivor D. Groves, *System of Care Implementation: Performance, Outcomes, and Compliance*, March, 1996, Exec. Summary, p.3. //16. Joseph J. Doyle, Jr., "[Child Protection and Child Outcomes: Measuring the Effect of Foster Care](#)" *American Economic Review*, December, 2007 and Joseph J. Doyle, "[Child Protection and Adult Crime: Using Investigator Assignment to Estimate Causal Effects of Foster Care](#)," *Journal of Political Economy*, Vol. 116, No. 4, 2008. //17. Byron Egeland, et. al., "[The impact of foster care on development](#)" *Development and Psychopathology*, (Vol. 18, 2006, pp. 57-76).

Here is a list of suggested changes that we believe could make a very large impact on the negative consequences we are facing by not taking charge of the treatment of Children and Families in Montana. These change suggestions should have an investigative committee to review, adjust, and consider additional points, and then acted upon. If your family was in our system, we would want you given the help that is productive and fair. Safety is the measurement, and good enough parents are being stripped of their children. Drug addicted parents are all over in white collar population, but they aren't getting targeted for functional using, so there should be a non discriminate approach to provide treatment first to families of addiction. Denzel Washington stated, "Everyone is addicted to something." I believe this is true. How much junk food do our cigarette companies sell in America every year? You can see the point. Addiction is at the root of many problems we face. Treating it with health is the best remedy. Thank you

- 1. CPS needs to be mandated to enforce all foster parents to abide by all legislative reunite programs to benefit the child to reunification.**
- 2. Foster parents are not allowed to put stipulations on not wanting to participate in required phone calls or therapeutic settings that are meant to adhere to legislative reunite programs of any family or child(ren)**
- 3. After 1 year of clean drug test screenings, the CPS is mandated to withdraw all drug test unless they have a preponderance amount of evidence to continue to validate needed resources.**
- 4. CPS is not allow to coach children to say what they want to hear under forensic evaluations or to intimidate a child to release information.**
- 5.CPS is not allowed to send any child to a group home or a foster placement outside of kinship placement unless the family is unable to tend to the needs of the child(ren).**
- 6. CPS can not seek out malicious faults in all kinship placements unless it is a major issue that is concerning abuse or neglect.**
- 7. CPS is mandated to not make false allegations toward a family just because they received a call to the hotline.**
- 8. ENFORCE that under Title 41-3-202 sub. 4 C. CPS is mandated to destroy all unsubstantiated records 30 days after a 3 year period.**

9. ENFORCE that under Title 41-3-302 sub. 3, that all CPS workers are to give a mandated voluntary written agreement to parents that the child(ren) are to stay inside the home or return home within 30 days unless there is an imminent threat to said child(ren).

10. ENFORCE that no CPS worker is allowed to place children in group homes that have any type of background physical abuse or neglect that will put the children in any type of harmful situation whether it be mentally, physically, sexually, verbally, or emotionally.

11. Each CPS worker that removes a child is required to do weekly updates on children's health to make sure that there is no malnurturing taking place while children are out of the home: weightloss, depression, suicide, or anxiety disorders

12. ENFORCE that NO CPS worker under title 41-3-102 sub.23 B. is NOT allowed to construe to hold any victim accountable for failing to prevent a crime from happening.

13. ENFORCE that NO CPS worker under Title 41-3-102 sub.21 iii, is to induce untrue testimonies to any person or facility caring for the child(ren)

14. CPS needs to not threaten retaliation on any helping family member taking care of a removed child(ren).

15. CPS needs to be held accountable for all admittance under oath of malicious removal and malicious parental alienation.

16. CPS is not allowed to discredit any type of compliance of said parents that are actively involved with the services at hand.

17. CPS needs to be required to not return any child(ren) to any parent whom has violent or sexual abuse charges in the court of law.

18. CPS is required to close any case of removal of child(ren) from

one parent(s) that have completed all safety checks upon 90 days of communication and in home services to the non offending parent(s) in any matter and enforce that a parenting plan be completed between parents before the case is closed.

19. CPS is not allowed to follow any parent under investigation by the Department unless there is a suspicious of imminent danger happening to the child(ren) at hand.

20. CPS is not allowed to acquire child(ren) or parent(s) cell phones to entrap a parent at any specific timing.

21. CPS is not allowed to have any undercover detective of any sort follow a family or parent(s) including child(ren) around town to gain access to any case claims that they may have.

22. CPS is not allowed to use another person(s) criminal charges against any parent to gain custody or removal of any child(ren) under their care unless the person has an extensive history of sexual abuse, violence against women and children, or are directly manufacturing, selling, or distributing drugs.

23. CPS is not allowed to use any person(s) past history against any parent to gain custody or removal of any child(ren) under their care unless the person has an extensive history of sexual abuse, violence against women and children, or are directly manufacturing, selling, or distributing drugs.

24. NO CPS worker is allowed to be bias or malicious to any parent(s) of whom they have personal feelings or assumptions against to make a case against parents to gain removal and custody of any child(ren) in their care.

25. NO CPS worker is allowed to take visitations or phone calls away from parent(s) that are actively in compliance with their treatment plans or providing for their children under the states care at any time.

26. If any parent is under the direct care of CPS, then that parent(s) should not be allowed unsupervised visits at any time unless agreed upon by the other parent(s) involved especially if either parent(s) have an extensive direct criminal history of sexual abuse, violence against women and children, or are directly manufacturing, selling, or distributing drugs.

27. ALL CPS PERSONNEL SHOULD BE HELD ACCOUNTABLE TO ALL ANNOTATE CODES UNDER TITLE 41-3-102 JUST THE SAME AS ALL PARENTS INVOLVED.

28. NO CPS personnel should be allowed to obtain feelings or bias from another persons allegations against any person thru social media or hear say to make a case against any family that is under investigation by the Department.

Note: numbers 22, 23, and 26 are directly quoted under Title 41-3-102 subsection(s) 19, 20, 21, 21 i, 21 ii, 21 iii, 21 iv, 21 v, 22 i, 22 iii, 23 b, and referenced from Title 45-9-101 in direct quotes toward parents.

Additional Suggestions

1. Appoint a special prosecutor to investigate corruption in the CPS system. This prosecutor should have the power to subpoena documents and witnesses and bring court cases against corrupt "child protection" agents or agencies.
2. Remove all immunity for CPS agents who behave unethically or illegally.
3. Repeal Hillary Clinton's Adoption and Safe Families Act of 1997, which created financial incentives for CPS to remove children and adopt them out. You can read more about ASFA [here](#).
4. Make it a federal crime to falsely accuse anyone of child abuse to a state agency.
5. Allow those falsely accused of child abuse or neglect by a state agency or private citizen to recover punitive damages of at least \$100,000 per false charge, in addition to any other compensatory damages are ordered by the court.
6. Require a warrant based on probable cause in order to remove children or enter a home unless the agents actually witness abuse in progress (the 4th Amendment requires a warrant for governmental searches or seizures.)
7. Require CPS caseworkers to wear dash and body cameras which are recording at all times.
8. Reform "medical neglect" laws to define "medical neglect" as neglect of life-saving medical care only -- not refusal to give children dangerous psychotropic drugs or other "psychological treatment."
9. Pass laws which affirmatively declare that parental refusal to medicate children with psychiatric drugs cannot be construed as abuse or neglect in any circumstances -- and affirmatively prohibit CPS from investigating or contacting a family based on a complaint related to failure to medicate a child with psychotropic drugs.
10. Reform the "anonymous reporting" system. The 6th Amendment to the Constitution provides that criminal defendants must be allowed to confront the witnesses against them. Require reporters to provide their name and phone number to CPS -- and require CPS to reveal the name and phone number of reporters to the parents within 14 business days -- unless they can prove to a court of law that the name should not be revealed. Make it a criminal offense for educational, medical, or legal professionals to lie about their name or phone number to CPS.
11. Require anyone who reports abuse and/or neglect to CPS either over the phone or in person to swear under penalty of perjury that their accusations are true.

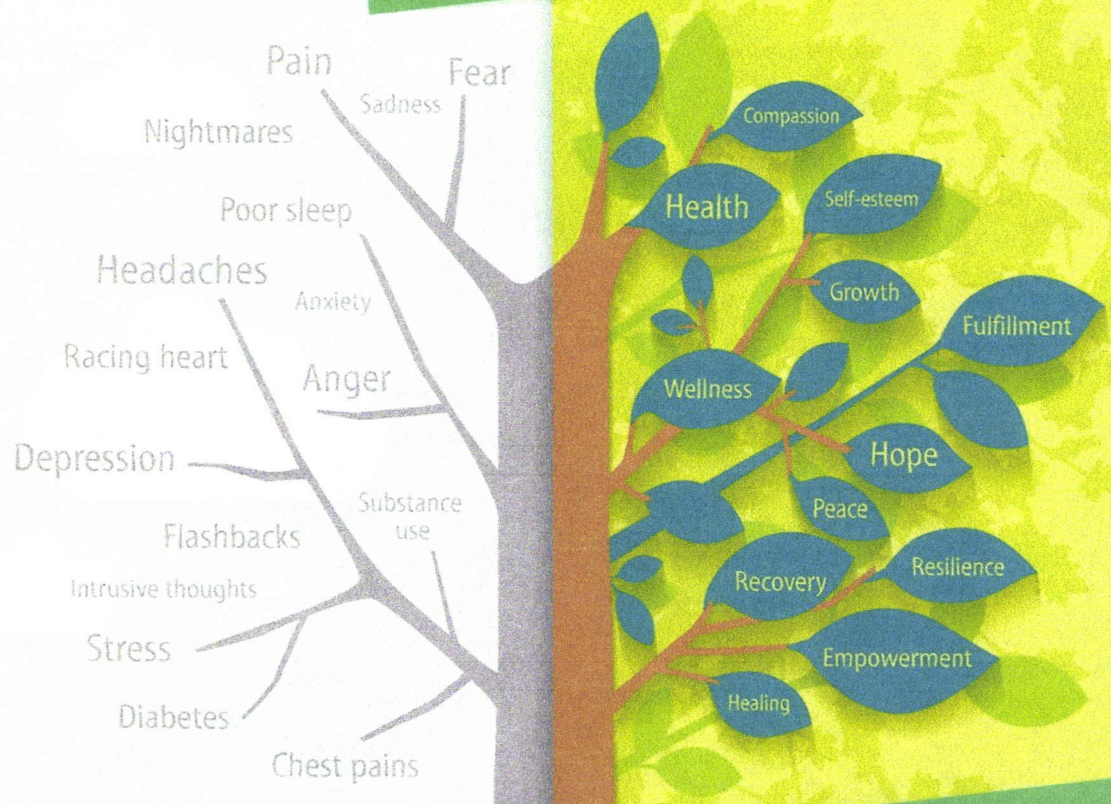
12. Require all medical facilities, including mental health facilities, to provide all medical records to parents within 7 business days.

13. Prohibit CPS agents from interviewing children without parental consent, and require a search warrant to examine or search children

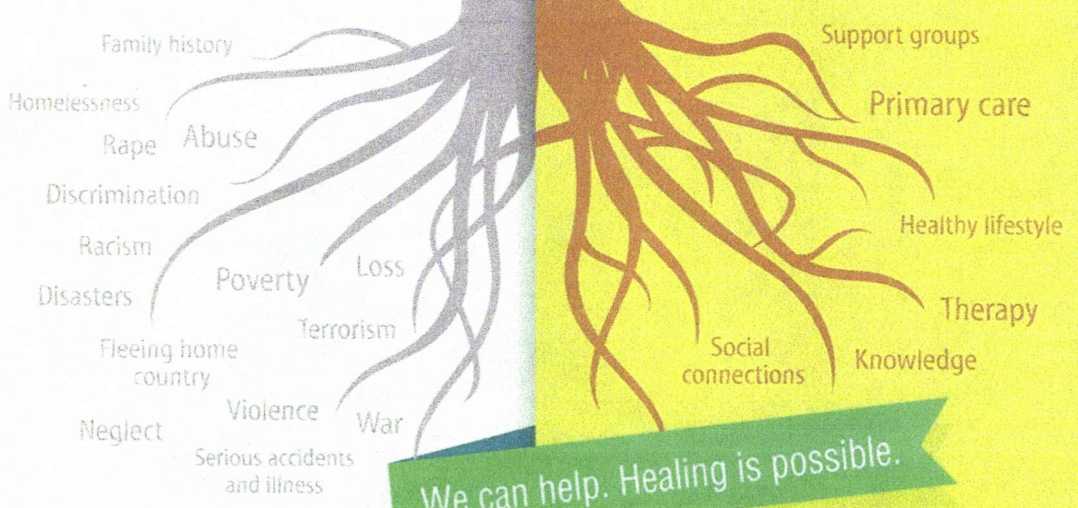
14. Reform mental health services billing to reduce applied services to foster children. Our children should only receive the services they absolutely need while in out of home placement. Our system has become over reactive to children who have emotional difficulties, and we need to protect our children from toxic intervention that exasperates emotions that are normal for children who have been displaced.

15. Hold the Court accountable to making sure the same due process and laws are enforced. The judges and attorneys should not be discounted in the abuse of children and families in our state. Family preservation is the backbone of our state and our country. In whatever capacity that may be.

There is hope beyond hurt.



Trauma and toxic stress involve feeling overwhelmed by difficult life experiences that can lead to physical, emotional and substance use problems.



We can help. Healing is possible.

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The Impact of Trauma

We have talked a lot about how childhood trauma impacts emotional regulation and can leave us oscillating between anger and numbness (hyper- and hypo-arousal). But what are the other symptoms of trauma?

Loss of safety: The world becomes a place where anything can happen.

Loss of danger cues: How do you know what is dangerous when someone you trust hurts you and this is then your 'normal?'

Loss of trust: This is especially true if the abuser is a family member, a professional, or a close family friend.

Shame: Huge, overwhelming, debilitating shame. As a child, even getting an exercise wrong at school can trigger the shame. The child may grow into an adult who cannot bear to be in the wrong because it is such a trigger.

Loss of intimacy: For survivors of sexual abuse, sexual relationships can either become something to avoid or are entered into for approval (since the child learns that sex is a way to get the attention they crave) and the person may be labeled 'promiscuous.'

Dissociation: Often, to cope with what is happening to the body during the abuse, the child will dissociate (disconnect the consciousness from what is happening). Later, this becomes a coping strategy that is used whenever the survivor feels overwhelmed.

Loss of physical connection to body: Survivors of sexual and physical abuse often have a hard time being in their body. As [Bessel van der Kolk](#) says in [The Body Keeps the Score](#), at some level they consider that their body let them down and so turn the volume down on physical sensations. For example, survivors may go for a long time before they realize they need to use the bathroom. This disconnection from the body makes some therapies known to aid trauma recovery, such as yoga, harder for these survivors. Trauma-informed yoga avoids some of the potential triggers and helps participants get back in touch with their bodies. [Echo's Trauma-Informed Yoga training is in November. Click here for more information.](#)

Loss of sense of self: One of the roles of the primary caregiver is to help us discover our identity by reflecting who we are back at us. If the abuser was a parent or caregiver, then that sense of self is not well developed and can leave us feeling phony or fake.

Loss of self-worth: Trauma survivors, especially survivors of sexual abuse, can swing between feeling special, with grandiose beliefs about themselves, and feeling dirty and 'bad.' Trauma survivors *are* special – they have a PhD in survival – but this self-aggrandizement is an elaborate defense against the unbearable feeling of being an outcast and unworthy of love.

Re-enactment: Recreating the childhood dynamic expecting the same result but hoping for a different one, such as anticipating and even provoking your partner's 'betrayal' but wanting badly for it to be different this time, and thus resolve your childhood dilemma. This strategy is doomed to failure because the need is in the

past and cannot be resolved. Also, you are setting up the other person because you are always waiting for the other shoe to drop and will interpret anything as confirmation that you have been betrayed once more.

